

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 6, 2009 Session

IN RE: KARA G. and BREANNA G.

**Appeal from the Juvenile Court for Bradley County
No. 6265-J Daniel Swafford, Judge**

No. E2009-00192-COA-R3-PT - FILED AUGUST 21, 2009

Ida S. (“Mother”) and Robert G. (“Father”) are the biological parents of Kara G. and Breanna G (the “Children”). Following a trial, the Juvenile Court terminated Mother’s and Father’s parental rights to the Children. Only Mother appeals. Mother maintains that the Juvenile Court erred when it found that the Department of Children’s Services (“DCS”) had proven by clear and convincing evidence that grounds to terminate her parental rights existed. Mother also argues that the Juvenile Court erred when it found that DCS had proven by clear and convincing evidence that it was in the Children’s best interest for her parental rights to be terminated. We affirm the judgment of the Juvenile Court in all respects.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the
Juvenile Court Affirmed; Case Remanded**

D. MICHAEL SWINEY, J., delivered the opinion of the court, in which CHARLES D. SUSANO, JR., and JOHN W. MCCLARTY, JJ., joined.

Arthur Bass, Cleveland, Tennessee, for the Appellant, Ida S.

Robert E. Cooper, Jr., Attorney General and Reporter, Michael E. Moore, Solicitor General, and Lindsey O. Appiah, Nashville, Tennessee, for the Appellee, State of Tennessee, Department of Children’s Services.

OPINION

This appeal involves the termination of Mother's parental rights to the Children who currently are seventeen and eleven years old. The record in this case begins with a petition for temporary custody filed by DCS in April 2006. DCS was seeking temporary custody because:

[The children's father] kept [Mother] locked in a boarded-up bedroom for eight months, from March to November 2005, threatening her so she wouldn't escape and tying himself to her at night. He threatened her with a gun at least once. If the girls wanted to visit with their mother, the father locked them into the bedroom with her. He would sometimes leave the house, leaving the mother and children locked in a room. The girls heard him threatening the mother and saw him pitch fits at her.

In November 2005, [Mother] wrote a note for help and stuck it in [the youngest child's] backpack. The note said that the mother and girls were prisoners in their home. On November 21, 2005, the police arrested [Father] and charged him with aggravated kidnapping. An order of protection was entered against him.

[Father] had no contact with the family until January 2006, [at which time Mother] let him into the house willingly because she wanted him to see his daughters. He refused to leave the home, and she was unable to contact police for a week. When [Mother] called the police, [Father] ran, and a warrant was issued for his arrest.

DCS tried to help [Mother] by working with her to get the order of protection, by helping her get counseling for the girls and domestic violence support DCS made it very clear to [Mother], however, that she must keep [Father] away from her and the girls, or DCS would remove the children.

On April 30, 2006, police were called to a car wreck involving [Mother]. [Father] was in the car with her and the girls.

Based on the contents of the petition, the Juvenile Court awarded DCS temporary custody of the Children. Thereafter, in May 2006 the Children were adjudged dependent and neglected due to Father's violent nature and the fact that Mother had continued to let Father return to the home. The Children were placed in foster care and a guardian ad litem was appointed on their behalf.

In July of 2006, a hearing was held to determine whether the Children should remain in foster care.¹ It was noted at that time that although Mother was not working, she apparently was able to purchase drugs. In June and July of 2006, Mother tested positive for THC. The Juvenile Court determined that the Children should remain in foster care with Mother having supervised visits.

Another status hearing was conducted in August 2006. At that time, the Juvenile Court noted that even though Mother had been told not to allow Father into her home or around the Children, DCS had observed Father's car parked at Mother's home on at least four occasions since the previous hearing. The Juvenile Court also noted that the permanency plans required both parents to undergo both psychological and parenting assessments, and that they "have done neither." Not surprisingly, the Juvenile Court continued the Children's placement in foster care.

The Children still were in foster care in May of 2007, when DCS filed a petition to terminate Mother's parental rights.² As grounds for terminating Mother's parental rights, DCS alleged that the conditions which led to the Children's removal from Mother's home continued to persist and it was unlikely that these conditions would be remedied at an early date.³ DCS also alleged that it was in the Children's best interest for Mother's parental rights to be terminated.

A four day trial took place beginning in May and concluding in September 2008. The first witness was Mignon Anderson ("Anderson"), a case manager with DCS. Anderson testified that the present involvement of DCS was the fourth referral to DCS involving this family. Prior to the present referral, DCS had assisted Mother with obtaining orders of protection against Father. The orders of protection were obtained because of physical injury resulting from domestic abuse. After the incident of Mother being locked in the bedroom, DCS did not immediately obtain custody of the Children. However, Mother was told that if she allowed Father to be around her or the Children, DCS then would seek custody. Because Mother nevertheless allowed Father to be around the Children on several occasions, DCS removed the Children from the home.

¹ Mother initially retained an attorney to represent her. Mother's attorney withdrew in March of 2007, and she was appointed an attorney to protect her interests for the remainder of this litigation.

² DCS also sought to terminate Father's parental rights. The Juvenile Court terminated Father's parental rights and no appeal was taken from that judgment. As such, the termination of Father's parental rights is not at issue in this appeal. However, we note that following the incident where Mother was locked in her bedroom for months, Father was charged with felony aggravated kidnapping. Mother later falsely recanted her allegations, which resulted in Father pleading guilty to misdemeanor false imprisonment. Father was sentenced only to one year of probation for his actions.

³ As an additional ground for terminating Mother's parental rights, DCS alleged that Mother had failed to substantially comply with the statement of responsibilities contained in her permanency plan. The Juvenile Court eventually determined that DCS had failed to prove the existence of this ground by clear and convincing evidence. DCS has not appealed that determination. Therefore, we will omit the majority of the testimony discussing Mother's permanency plans and limit our discussion of the facts to the sole ground upon which the Juvenile Court terminated Mother's parental rights, i.e., persistence of conditions.

With regard to Mother being locked in the bedroom, the youngest child described the following to Anderson:

[S]he stated that her dad would lock her mom in her bedroom and that her dad would tell them it was because Mama cheated on him and that the windows were boarded because he was afraid that she would send out light signals with a flashlight attracting other men. He would lock her there when he would go to work or pick up the kids. The deadbolt was on the outside of the lock and only he had the key. When the girls wanted to visit with their mother they would have to go in there. . . . [Mother] would pack a lunch, get a jug of tea, get her stuff ready, go into the room and [Father] would lock her in there.

The next witness was Kelly S., the Children's first foster mother. Kelly S. got to know Mother when Mother visited with the Children. There were no major problems when the Children were around Mother. However, Kelly S. went on to explain that the Children had a bad reaction if they saw Father. For example, Kelly S. and the Children were participating in a church car wash and one of the Children thought she saw Father drive by. The child dove under a picnic table to hide and started crying, saying, "I saw my dad."

According to Kelly S., Father began following her and the Children. Kelly S. described some of these events as follows:

He came into the McDonald's. I believe he was looking for the girls and approached where we were, and I told him he needed to leave. And he informed me that this was a public place and that he could come in there and eat any time he wanted to. I told him that I was their foster mom and if they are here eating, you need to leave. So you can leave voluntarily or by order of the police which will be on their way shortly because you cannot be here. And he left after he had several choice words about why his kids were taken away and that I couldn't stop him from seeing them.

Q. Did you feel threatened?

A. Extremely, to the point where we immediately contacted DCS. I felt like if he had followed us to McDonald's, that obviously he was following us back and forth and probably knew where I lived and most likely had followed us on other occasions was my feeling. Because I don't know if you know about Pentecostal churches, but there is no set time that you get out of church. He would have had to have been monitoring us.

Q. Were there other occasions that you saw him?

A. We saw him in odd spots where we wouldn't think he would know where we were. The girls would duck in the floorboards . . . [if] his car went by.

Kelly S. also described a drawing made by the younger child, Breanna. Specifically, Breanna drew a picture of a bed with three people in it. There also was a gun in the drawing. She told Kelly S., "'That's mommy, Daddy and me in the middle' and that he points the gun at Mommy.'" Both Children told Kelly S. that sometimes Father would lock Mother in the bedroom with no food, and they would push pieces of cereal under the door so Mother would have something to eat. The Children also had nightmares about Father. Kelly S. eventually prohibited phone calls between Mother and the Children because Mother would put Father on the phone or give them messages from Father. Sometimes during visitation Mother would try to take the Children off to the side away from Kelly S. and give the Children messages from Father.

Because Father was following them, both DCS and Kelly S. were concerned about the safety of the Children as well as the other foster children in Kelly S.'s home. Even though the Children did not want to leave, it was decided that because of Father's actions, it would be best for everyone if the Children went to another foster home.

The older child, Kara, testified in chambers with all the attorneys present. Kara described living with her parents as "horrible" because Mother was locked up and screaming to get out. Kara also testified that: (1) Father would tie Mother to him; (2) the bedroom where Mother was locked up had boards on the windows and boards on the door with deadbolts; (3) after Mother was released from the bedroom and DCS became involved, she and her sister were removed from the house because Father had returned for several weeks; (4) she has heard Father hit Mother and has seen bruises on Mother; (5) she has seen Father threaten Mother with a gun; and (6) she has not wanted to see Father since she has been in foster care and both she and her sister were scared whenever they did see him. Even though one year ago Father was given the right to talk with Kara on the telephone, she chose not to talk to him because "I don't want to talk to him. He's done this for too long now. He always said he was gonna change but he never will."

The next witness was Teresa W., who has been the Children's foster mother since September 2006. Teresa W. testified that the Children are more calm than they were when they first came to live with her, and they no longer have nightmares. At the beginning, the younger child would not walk to the bus stop by herself because she was afraid Father would grab her and carry her off. Breanna's nightmares have returned three times. On each of these three occasions, Breanna either had seen or spoken with Father. Breanna has told Teresa W. that she does not want to return to her old life with Mother and Father. Teresa W. testified that she and her husband are willing to adopt both of the Children.

Nathaniel Jones (“Jones”) also testified at trial. Jones was the DCS case worker assigned to this case in May 2006.⁴ Jones testified that he developed a permanency plan for Mother and assisted her with the requirements of the plan. The initial plan that was developed assumed that Father would no longer be in the picture. However, to his surprise, on one occasion Mother and Father came to DCS together to discuss the permanency plan, and so new plans were developed for both Mother and Father.

Angelia Kienlen (“Kienlen”) is a clerk with the General Sessions Court and testified regarding Mother’s latest attempt to get an order of protection against Father. Kienlen stated that in March 2008, Mother sought an order of protection. Kienlen notified Mother by phone and by mail of the date the hearing was set. Mother’s request for an order of protection against Father eventually was dismissed because Mother twice failed to appear to prosecute the matter.⁵

Mother testified that the most recent time Father was in her house was “yesterday.” When asked how many times Father has been at her house since the last court hearing only one month ago, Mother stated, “Too many to mention. I couldn’t count them.” Mother stated that she tells him to leave, but “[e]vidently he still hasn’t got the picture.” Mother believes Father has been in the house when she was not there. Mother denied trying to coordinate contact between the Children and Father. Mother claimed that over the years, she has had five orders of protection against Father. When asked why she continued to reconcile with Father, Mother stated it was because she was either “stupid” or “weak”.

Mother stated that the first time Father beat her was when the older child was a baby. Mother added that more recently, she was beaten for paying the satellite bill. Mother emphasized that sometimes there “were years” in between the beatings. Mother acknowledged that even though she recanted the allegations regarding being held prisoner in her house, Father had, in fact, locked her in the bedroom for many months. Any time she was allowed to leave the bedroom, Father was with her. Mother admitted she was freed because she received help after she put a note in the younger child’s backpack, who then got help from her teacher at school.

Mother was insistent at trial that she would no longer allow Father to be around her or the Children and that she was able to protect them and herself from any further abuse.⁶ Mother testified that while Father beat her approximately five times during their seventeen year relationship, the verbal abuse was much more constant. Mother stated that Father called her a “crack-head whore” practically every day. When asked if Father had sexually abused her, Mother stated there was “some of that.” When asked how often he sexually abused her, Mother stated that when she was locked in the bedroom, Father raped her “a few times a week.”

⁴ Jones ended his employment with DCS approximately two weeks before the first day of trial.

⁵ Mother denied ever receiving a telephone call or a letter informing her that the hearing on the order of protection had been set.

⁶ We briefly note that Father testified at trial and denied locking Mother in the bedroom and only admitted to hitting her on one occasion, which he claimed was in self defense.

Following the trial, the Juvenile Court entered an order terminating Mother's parental rights to both Children. According to the Juvenile Court:

The state has made reasonable efforts to reunify this family over the two years that the girls have been in state custody.

* * *

DCS did not prove by clear and convincing evidence that [Mother] failed to substantially comply with her permanency plan, pursuant to T.C.A. §§ 36-1-113(g)(2) and 37-2-403(a)(2). It appears that, in almost every respect, she's tried to comply.

DCS proved by clear and convincing evidence that grounds for termination of [Mother's] parental rights exist pursuant to T.C.A. § 36-1-113(g)(3) - persistence of conditions. The children have been removed from the parents' home for more than six months – they've been in state's custody for at least two years. The conditions that led to the removal still exist, and, in all probability, would cause the children to be subjected to further neglect or abuse and prevent their safe return to [Mother]. [Mother] is continuing to allow [Father] to visit her home – she either is not [willing] or is not able to prevent him from doing so. Despite the long-standing abuse, both [Father] and [Mother] testified that [Father] still had regular access to [Mother's] home. [Mother] testified that [Father] arrived at her home unannounced and that she's scared, in her own words, to keep him out of the home. [Father] is allowed to stay overnight, or manages somehow to stay overnight, with or without consent, at [Mother's] home. These findings that have been made about [Father] concern the Court tremendously. [Father] admitted being at [Mother's] home the day before the last hearing. We were actually in the middle of the termination hearing, and he was still coming and spending the night at [Mother's] home. The evidence showed that [Mother] had continued to give the girls gifts from their father. The evidence showed that [Mother] has given Kara three or four cell phones, and that with these cell phones, [Mother] has been involved in facilitating calls to the grandmother, who then puts the girls in touch with [Father]. Before the girls were placed in foster care, [Mother] went to a safe house, but then returned home. She made allegations of criminal charges against [Father], but then to a great extent recanted those. One of the things that concerns the Court most about [Mothers'] testimony is the amount of responsibility that she tried to place upon the girls. For example, several witnesses, including [Mother], testified that this spring, [Mother] told Breanna that [Father] was going to meet her at the Aquarium when her class held

its field trip there – even though a no-contact order was in place against [Father]. [Mother] testified that she told Breanna about this plan so she could somehow deal with it. Even if that is true, that’s a terrible weight for a child to bear. Evidence also showed that [Mother] placed a note in Breanna’s backpack so that she could be the one to take the message out that [Mother] needed help. All those things concern the Court greatly, and so the Court finds that there is little likelihood that these conditions [will] be remedied at an early date to allow reunification and the Court also has to find that the continuation of the parent-child relationship greatly diminishes the [Children’s] chances of early integration into a safe and stable and permanent home. These problems have continued even though the state has worked for almost two years to help.

DCS has proved by clear and convincing evidence that termination of [Mother’s] parental rights is in the girls’ best interests pursuant to T.C.A. § 36-1-113(i). [Mother] has not made an adjustment of circumstances that would make it safe for the girls to return home, for the same reasons that are described above – she is unable or unwilling to keep [Father] away from the girls or away from the home. She has not made lasting adjustments after reasonable efforts by the state to help her. The evidence shows that [Mother] did not begin her domestic violence classes until after the girls had been in state custody for over one year. Then, she attended only a few classes, and she testified that she thought that was enough. The current case manager testified that since she has taken over, [Mother] has not contacted her. [Mother] has been with [Father] 17 years according to the testimony, and there has been crime in the home. During that time, there have been at least five instances of physical domestic violence, including choking and hitting, and at least four orders of protection have been issued. There is a meaningful relationship between her and the girls, but, again, her continued contacts with [Father] harm that relationship. She did not protect the girls from the harm they suffered from seeing [Father’s] actions toward her. There was dispute over any actual diagnosis for [Mother], so the Court cannot find that she has a mental or emotional defect that would prevent her from parenting the children. However, as Dr. McDonagh testified, nothing excuses her failure to protect the children. The chances are that the failure to protect the children will continue. As Dr. McDonagh stated, the best predictor of future behavior is past behavior. The girls are in a safe stable foster home, where the foster parent want to adopt them.

Mother appeals raising two issues: (1) whether the Juvenile Court erred when it found that DCS had proven by clear and convincing evidence that grounds existed to terminate her

parental rights pursuant to Tenn. Code Ann. § 36-1-113(g)(3); and (2) whether the Juvenile Court erred when it found that DCS had proven by clear and convincing evidence that termination of Mother's parental rights was in the Children's best interests.

Discussion

Our Supreme Court reiterated the standard of review for cases involving termination of parental rights in *In re F.R.R., III*, 193 S.W.3d 528 (Tenn. 2006). According to the Supreme Court:

This Court must review findings of fact made by the trial court *de novo* upon the record “accompanied by a presumption of the correctness of the finding, unless the preponderance of the evidence is otherwise.” Tenn. R. App. P. 13(d). To terminate parental rights, a trial court must determine by clear and convincing evidence not only the existence of at least one of the statutory grounds for termination but also that termination is in the child's best interest. *In re Valentine*, 79 S.W.3d 539, 546 (Tenn. 2002) (citing Tenn. Code Ann. § 36-1-113(c)). Upon reviewing a termination of parental rights, this Court's duty, then, is to determine whether the trial court's findings, made under a clear and convincing standard, are supported by a preponderance of the evidence.

Id. at 530.

In *Department of Children's Services v. D.G.S.L.*, this Court discussed the relevant burden of proof in cases involving termination of parental rights stating:

It is well established that “parents have a fundamental right to the care, custody, and control of their children.” *In re Drinnon*, 776 S.W.2d 96, 97 (Tenn. Ct. App. 1988) (citing *Stanley v. Illinois*, 405 U.S. 645, 92 S. Ct. 1208, 31 L. Ed. 2d 551 (1972)). “However, this right is not absolute and parental rights may be terminated if there is clear and convincing evidence justifying such termination under the applicable statute.” *Id.* (citing *Santosky v. Kramer*, 455 U.S. 745, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982)).

Termination of parental or guardianship rights must be based upon a finding by the court that: (1) the grounds for termination of parental or guardianship rights have been established by clear and convincing evidence; and (2) termination of the parent's or guardian's rights is in the best interests of the child. Tenn. Code Ann. § 36-1-113(c). Before a parent's rights can be terminated, it must be shown that the parent is unfit or substantial harm to the child will result if parental rights are not terminated. *In re Swanson*, 2 S.W.3d

180, 188 (Tenn. 1999); *In re M.W.A., Jr.*, 980 S.W.2d 620, 622 (Tenn. Ct. App. 1998). Similarly, before the court may inquire as to whether termination of parental rights is in the best interests of the child, the court must first determine that the grounds for termination have been established by clear and convincing evidence. Tenn. Code Ann. § 36-1-113(c).

Dep't of Children's Servs. v. D.G.S.L., No. E2001-00742-COA-R3-JV, 2001 WL 1660838, at *6 (Tenn. Ct. App. Dec. 28, 2001), *no appl. perm. appeal filed*. Clear and convincing evidence supporting any single ground will justify a termination order. *In re Valentine*, 79 S.W.3d 539, 546 (Tenn. 2002).

As stated, the only ground upon which the Juvenile Court terminated Mother's parental rights is the ground set forth in Tenn. Code Ann. § 36-1-113(g)(3). This provision provides that parental rights may be terminated upon clear and convincing evidence that:

(3)(A) The child has been removed from the home of the parent or guardian by order of a court for a period of six (6) months and:

(i) The conditions that led to the child's removal or other conditions that in all reasonable probability would cause the child to be subjected to further abuse or neglect and that, therefore, prevent he child's safe return to the care of the parent(s) or guardian(s), still persist;

(ii) There is little likelihood that these conditions will be remedied at an early date so that the child can be safely returned to the parent(s) or guardian(s) in the near future; and

(iii) The continuation of the parent or guardian and child relationship greatly diminishes the child's chances of early integration into a safe, stable and permanent home.

Tenn. Code Ann. § 36-1-113(g)(3) (2005).

The persistent condition that prevented the Children from safely being returned to Mother can be summed up in one word: Father. It is undisputed that the Children have been removed from the home for more than six months. The Children were removed because of Father's presence in the home. Father was very abusive to Mother and freely engaged in this conduct in the presence of the Children. This abuse includes, but is not limited to, physical violence, pointing a gun at Mother, and locking Mother in a bedroom for many months. The Children were and are very frightened of Father, and understandably so. It is shocking that these Children had to slip cereal under the bedroom door to make sure their Mother had something to eat.

Mother's testimony establishes clearly and convincingly that Father comes and goes as he pleases from her home. It was made perfectly clear to Mother that Father's presence in the home and around the Children was the primary impediment to reunification. Yet much to the surprise of the Juvenile Court (and this Court), Father "admitted being at [Mother's] home the day before the last hearing. We were actually in the middle of the termination hearing, and he was still coming and spending the night at [Mother's] home." Unfortunately, Mother offered nothing to show that all of a sudden, she now would be able to take whatever steps were necessary to keep Father away from her home and the Children. Mother claims that because Father was on the deed to her house, she was unable to stop him from coming in the house. We disagree. Mother admitted during her testimony at trial that when she recanted her testimony in Father's criminal case, she was lying and the abuse did occur as originally charged. Thus, had Mother not falsely recanted when Father was charged with felony aggravated kidnapping, Father may well have been in prison and no longer a factor in this case. Furthermore, had Mother shown up for the hearings on the most recent order of protection that she sought, she could have taken necessary steps to try to prevent Father from coming into the home.

The testimony at trial by the Children's current foster mother shows that the Children are now in a safe and stable environment. The significant trauma caused by Father is slowly beginning to subside.

In light of the foregoing, we find that there was clear and convincing evidence that: (1) the Children had been removed from the home for at least six months; (2) the abusive conditions which led to the Children's removal continued to persist and prevented the Children's safe return to Mother's care; (3) there was little likelihood that these conditions would be remedied at an early date; and (4) the continuation of the parent-child relationship would greatly diminish, if not eliminate, the Children's chances of being integrated into a safe and stable home. The judgment of the Juvenile Court finding clearly and convincingly that grounds existed to terminate Mother's parental rights pursuant to Tenn. Code Ann. § 36-1-113(g)(3) is affirmed.

We next consider whether the Juvenile Court erred when it found, clearly and convincingly, that termination of Mother's parental rights was in the Children's best interests. The relevant statutory provision for making this assessment is Tenn. Code Ann. § 36-1-113(i) which provides as follows:

(i) In determining whether termination of parental or guardianship rights is in the best interest of the child pursuant to this part, the court shall consider, but is not limited to, the following:

(1) Whether the parent or guardian has made such an adjustment of circumstance, conduct, or conditions as to make it safe and in the child's best interest to be in the home of the parent or guardian;

(2) Whether the parent or guardian has failed to effect a lasting adjustment after reasonable efforts by available social services

agencies for such duration of time that lasting adjustment does not reasonably appear possible;

(3) Whether the parent or guardian has maintained regular visitation or other contact with the child;

(4) Whether a meaningful relationship has otherwise been established between the parent or guardian and the child;

(5) The effect a change of caretakers and physical environment is likely to have on the child's emotional, psychological and medical condition;

(6) Whether the parent or guardian, or other person residing with the parent or guardian, has shown brutality, physical, sexual, emotional or psychological abuse, or neglect toward the child, or another child or adult in the family or household;

(7) Whether the physical environment of the parent's or guardian's home is healthy and safe, whether there is criminal activity in the home, or whether there is such use of alcohol or controlled substances as may render the parent or guardian consistently unable to care for the child in a safe and stable manner;

(8) Whether the parent's or guardian's mental and/or emotional status would be detrimental to the child or prevent the parent or guardian from effectively providing safe and stable care and supervision for the child; or

(9) Whether the parent or guardian has paid child support consistent with the child support guidelines promulgated by the department pursuant to § 36-5-101.

Tenn. Code Ann. § 36-1-113(i) (Supp. 2008).

The facts establish that despite reasonable efforts being made by DCS, Mother has not made an adjustment of "circumstance, conduct, or conditions" that would make it safe for the Children to be returned to her home. The Children are currently in a stable environment and removing them from that environment would have a detrimental effect. There is no doubt that the environment in Mother's home was anything but healthy and safe, and Mother offered no credible proof that this situation would change if the Children were returned to her. While we agree with the Juvenile Court that there was a meaningful relationship between the Children and Mother, this factor, standing alone, is insufficient to override the numerous other factors which weigh against reunification in this case. Accordingly, we affirm the Juvenile Court's judgment finding that DCS

had proven by clear and convincing evidence that termination of Mother's parental rights was in the Children's best interests.

Conclusion

The judgment of the Juvenile Court is affirmed, and this cause is remanded to the Bradley County Juvenile Court solely for collection of the costs below. Costs on appeal are taxed to the Appellant, Ida S., and her surety, if any, for which execution may issue, if necessary.

D. MICHAEL SWINEY, JUDGE